
FEDERAL ENERGY REGULATORY COMMISSION

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NEWS RELEASE

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COMMISSION REVISES RULES ON OFF-THE-RECORD COMMUNICATIONS

The Federal Energy Regulatory Commission today revised its rules governing off-the-record communications between persons outside the Commission and Commissioners and other decision-making employees.

In a final rule, the Commission clarifies the ground rules for communication which will enable it and staff to interact with the public and other regulatory agencies while at the same time ensuring the integrity of the Commission's decision-making process.

The Commission said that clarifying its rules alleviates the confusion that has existed with the prior rule and is intended to result in improved and fair decision-making.

The rule defines off-the-record communications and establishes guidelines for when off-the-record communications may be permitted. Guidelines are also established for communications that must take place on-the-record and when communications are prohibited. The rule clarifies directions on how both prohibited and exempted off-the-record communications will be handled by FERC's Office of the Secretary and how public notice and disclosure of such communications will be made.

"I have either practiced law before the Commission or worked inside it for 20 years," said Chairman James J. Hoecker, "and *ex parte* rules have always been a riddle that, given their ambiguity, threaten to catch the unaware in a prohibited communication or to shut off potentially helpful communications because the Commission's expectations were not easily understood. I believe today's rules will supply the clarity and precision we all need. They should facilitate better access to information while ensuring the integrity of our processes."

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The rule includes many examples of permitted and prohibited communications that are intended to further clarify the intent of the rule. Its guidelines adopt many of the suggestions of commenters to a Notice of Proposed Rulemaking issued in September 1998.

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